



UNITED STATES DEPARTMENT OF COMMERCE
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Laws
SERIAL NUMBER FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO.
07/508, 109 04/11/90 BORMANN J MERZ16

GORDON W. HUESCHEN
715 THE "H" BUILDING
310 EAST MICHIGAN AVENUE
KALAMAZOO, MI 49007

EXAMINER

WILSON, T

ART UNIT

PAPER NUMBER

125

6

DATE MAILED:

03/29/91

RECEIVED
U.S. PATENT AND TRADEMARK OFFICE
MARCH 29 1991

This application has been examined Responsive to communication filed on 02/11/91 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ day from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-13 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims 1-9, 11-13 are allowed.

4. Claims 10 is rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Serial No. 07/508,109

-2-

Art Unit 125

Claims 1-13 remain in the case.

Applicants' arguments and amendment have been placed of record in the file, effective 02/11/91.

Applicants' amendment and arguments are deemed appropriate and persuasive as regards the rejections under 35 U.S.C. 101 and 103. However, in a telephonic interview between Examiner Wilson and attorney Hueschen on 03/26/91, agreement was not reached regarding Claim 10 and rejection under 35 U.S.C. 112, first paragraph. In particular, there is insufficient exemplary support for "treatment of Alzheimer's disease." See In re Application of Hozumi. 226 USPO 354, and M.P.E.P. 608.01 (p) A. Accordingly, this rejection of Claim 10 is made final.

THE ALLOWED CLAIMS ARE 1-9 AND 11-13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Wilson, whose telephone number is (703) 308-3728.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

T. Wilson

03/27/91



FREDERICK E. WADDELL
EXAMINER
GROUP ART UNIT 125